GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – Appointment of Sri P. Nageswara Rao, In-charge Executive Engineer, PRI Division, Kadapa as In-charge Superintending Engineer in relaxation of Rule 10(h) of A.P. State & Subordinate Service Rules, 1996 as per Hon'ble Tribunal orders in OA No.12693/2009 - Orders – Issued.

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PANCHAYAT RAJ & RURAL DEVELOPMENT (E.I) DEPARTMENT

G.O.Rt. No.144 **Dated:16.02.2016.**
Read the following:-

1) GO. Ms. No.66, GA(Ser.C) Deptt., dated: 30.1.1991.
2) G.O. Rt. No.1468, PR&RD Dept., dated:3.10.2008.
3) G.O. Rt. No.1809, PR&RD Deptt., dated:02.12.2008.
4) G.O. Ms. No.46, PR&RD (E.I) Deptt., dated: 29.1.2010.
5) G.O. Ms. No.138, PR&RD (E.I) Deptt., dated:13.6.2011.
6) G.O. Ms. No.160, PR&RD (E.I) Deptt., dated:8.7.2011.
7) From the Hon'ble Tribunal order dated:02.12.2011 in OA No. 12693/2009 with MA No.3326/2011 filed by Sri P. Nageswara Rao, I/c. Executive Engineer, PR.
8) Representation dated 27.7.2015 from Sri P. Nageswara Rao, I/c. Executive Engineer, PRI, Kadapa.
9) From the Engineer-in-Chief, PR., A.P., Hyd., Lr.No.G-1/615/2010, dated:26.8.2014.
10) From the Engineer-in-Chief, PR., A.P., Hyd., Lr.No.G-1/615/2010, dated:25.6.2015.

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ORDER:

The Engineer-in-Chief, P.R., A.P., Hyderabad is informed that Sri P. Nageswara Rao, In-charge Executive Engineer, PRI, Kadapa in his representation 8th read above has stated that he is the senior most Executive Engineer working in the Department and requested to promote him as I/c Superintending Engineer(PR) on par with his juniors who were appointed as In-charge Superintending Engineers vide G.Os., 4th, 5th and 6th read above during the year 2010 and 2011 respectively. He has further stated that his name as In-charge Superintending Engineer was not considered on the ground that there is a case of possession of assets disproportionate to known sources of income pending against him. He has further stated that at the time of consideration as In-charge Superintending Engineer during the years 2010 and 2011 respectively, no charge either filed or charge memo. issued to him in the above case.

2. Aggrieved by the above, he approached the Hon'ble Tribunal and filed OA No.12693/2009 seeking orders for appointing him as Superintending Engineer on par with his juniors, without reference to the pendency of ACB case.

3. The Hon'ble APAT in it's orders 7th read above has passed the following orders:

> "In view of the facts and circumstances of the case and in view of the law laid down by the Hon'ble Supreme Court of India, cited above and as no charge sheet is filed and no charge memo was issued to the applicant till today though more than two years have lapsed, more over, his juniors are promoted, the respondents are directed to consider the case of the applicant for promotion to the post of Superintending Engineer on adhoc basis or temporary basis as per his eligibility, suitability, and if he within the zone of consideration without reference to the pendency of Crime No.13/RCA Nellore/2008 of the ACB Range, Nellore District and pass appropriate orders within a period of 6 weeks from the date of receipt of these orders, if any juniors of the applicant have already been promoted. The O.A. is accordingly allowed M.A. stands closed:

Pto….

4. In the references 9th and 10th read above, the Engineer-in-Chief, P.R., A.P., Hyderabad has stated that Sri P. Nageswara Rao while working as I/c Executive Engineer, P.R., Kakinada, the ACB has conducted surprise check on 27.08.2008 and found that he is in-possession of assets disproportionate to the known sources of his income. He was placed under suspension vide reference 2nd read above and also reinstated into service pending disciplinary action vide reference 3rd read above.

5. In view of the pendency of ACB disproportionate assets case against him, his name was not considered for appointment as I/c Superintending Engineer during the year 2010 and Sri R. Ekambarnath, I/c Executive Engineer who is junior to him was appointed as I/c Superintending Engineer vide G.O. 4th read above. His name was also not considered during the year 2011 in view of above disciplinary case and his junior Sri C Suryanarayana and Sri B. Ravi Kumar were appointed as I/c Superintending Engineers vide G.Os., 5th and 6th read above.

6. The Engineer-in-Chief(PR) has further informed that the disproportionate assets case against Sri P. Nageswara Rao, I/c. Executive Engineer, P.R., is still pending before the Tribunal on Disciplinary Proceedings (TDP) which was entrusted during the year 2014 but no charges have been framed against him so far.

7. Government have examined entire matter in detail, keeping in view of the Hon'ble Tribunal order in OA No.12693/2009 with MA No.3326/2011, Hon'ble Supreme Court of India judgement in the State of Punjab and Others V Chamanlal Goyal reported in (1995) 2 Supreme Court cases 570 and also other relevant rules issued in G.O. 1st read above, hereby decide to appoint, Sri P. Nageswara Rao, I/c. Executive Engineer, PRI, Kadapa as Superintending Engineer on in-charge basis, on par with his juniors who were appointed as I/c. S.Es., during the year 2010 and 2011 respectively, on his own scale of pay in relaxation of provisions of Rule 10(h) of Andhra Pradesh State and Subordinate Service Rules, 1996, subject to outcome of above ACB case and other cases pending against him in the Courts, if any, as no charges pending against him as on date.

8. The above arrangement is only an ad-hoc arrangement and not promotion to the post of Superintending Engineer. The officer is informed that his posting as in-charge Executive Engineer does not confer on him any right or claim for the post of Superintending Engineer or to any claim for the seniority or promotion in future. Similarly, this ad-hoc in-charge arrangement is subject to the outcome of cases in this matter pending before various Courts.

9. The Engineer-in-Chief, P.R., A.P., Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT(PR&RWS)

To
The Engineer-in-Chief, P.R., A.P., Hyderabad.
The Officer concerned – through Engineer-in-Chief, P.R., A.P., Hyderabad.
Copy to:
The P.S. to Minister(PR&RWS)
The P.S. to Prl. Secretary to Govt(PR&RWS)
SF/SCs.

//Forwarded::By Order//

SECTION OFFICER